

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARDSON M. ROBERTS,

Defendant.

Civil Action No. 3:09-0812

Judge Nixon

Magistrate Judge Brown

UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT

Plaintiff United States of America respectfully submits this motion for leave to file the attached proposed Amended Complaint, which adds Bucksnot RR Ranch LLC as a Defendant.

This unopposed motion should be granted for the following reasons:

1. On September 4, 2009, the United States filed the Complaint in this action. (Docket # 1.) The Complaint alleges that Defendant Richardson M. Roberts discharged pollutants into waters of the United States without a permit in violation of the Clean Water Act, 33 U.S.C. § 1311(a). Specifically, the Complaint alleges that Mr. Roberts constructed an earthen dam in Snake Creek and associated wetlands and tributaries on property located in Humphreys County, Tennessee. The United States requests that the Court, among other things, issue a permanent injunction against future Clean Water Act violations, require Defendant to effect complete restoration of the waters of the United States, and pay a civil penalty pursuant to 33 U.S.C. § 1319(d).

2. Subsequent to the filing of the Complaint, the United States has received information that Bucksnot RR Ranch LLC, a Tennessee limited liability corporation, is the

owner of the property upon which the alleged unlawful discharges took place. The United States also has learned that Bucksnot RR Ranch LLC financed the construction of the dam that is associated with the Clean Water Act violations alleged in the Complaint. Upon information and belief, Mr. Roberts is one of two members of Bucksnot RR Ranch LLC.

3. The United States would like to amend its Complaint to add Bucksnot RR Ranch LLC as a Defendant.

4. Pursuant to the Case Management Order entered by the Court on January 21, 2010 (Docket #10), motions to amend the pleadings should be filed before June 30, 2010.

5. Counsel for the United States has provided a copy of the proposed Amended Complaint to counsel for Defendant. On May 17, 2010, counsel for Defendant advised counsel for the United States that Defendant does not oppose this motion.

6. The United States is unaware of any prejudice that would be suffered by any party by the granting of the relief sought herein.

For the above reasons, the United States respectfully requests that the Court grant this motion and permit the United States to file the attached Amended Complaint.

Dated: May 18, 2010

Respectfully submitted,

ERIC H. HOLDER, Jr.
Attorney General of the United States

s/ Lisa S. Rivera

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Counsel for Plaintiff

CERTIFICATE OF SERVICE

I certify that, on May 18, 2010, a true and correct copy of the foregoing UNOPPOSED MOTION FOR LEAVE TO FILE AMENDED COMPLAINT was served on counsel for Defendant by sending said document by electronic mail and First Class U.S. Mail, postage prepaid, to the following:

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